

रजिस्टर्ड नं० ल०-33/एस० एम० 14/91.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, वीरवार, 21 मार्च, 1991/30 फाल्गुन, 1912

हिमाचल प्रदेश सरकार

हिमाचल प्रदेश विधान सभा सचिवालय

अधिसूचना

शिमला-4, 18 मार्च, 1991

संख्या 1-16/91-वि० एस०.—हिमाचल प्रदेश विधान सभा प्रक्रिया एवं कार्य-संचालन नियमावली, 1973 के नियम 135 के अन्तर्गत भारतीय स्टाम्प (हिमाचल प्रदेश संशोधन) विधेयक, 1991 (1991 का विधेयक संख्यांक

12) जो दिनांक 18 मार्च, 1991 को हिमाचल प्रदेश विधान सभा में पुरःस्थापित हो गया है, सर्वसाधारण की सूचनार्थ राजपत्र में मुद्रित करने हेतु प्रेषित किया जाता है।

लक्ष्मण सिंह,
सचिव।

1991 का विधेयक संख्यांक 12.

भारतीय स्टाम्प (हिमाचल प्रदेश संशोधन) विधेयक, 1991

(विधान सभा में पुरःस्थापित रूप में)

हिमाचल प्रदेश राज्य में यथा लागू भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) का और संशोधन करने के लिए विधेयक।

भारत गणराज्य के ब्यालीसवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :--

1. (1).—इस अधिनियम का संक्षिप्त नाम भारतीय स्टाम्प (हिमाचल प्रदेश संशोधन) अधिनियम, 1991 है।

संक्षिप्त नाम और विस्तार।

(2) इसका विस्तार सम्पूर्ण हिमाचल प्रदेश पर है।

2. हिमाचल प्रदेश राज्य में यथा लागू भारतीय स्टाम्प अधिनियम, 1899 से उपाबद्ध अनुसूची I-A में,—

अनुसूची I-A का संशोधन।

(क) अनुच्छेद 23 और 33 के स्थान पर निम्नलिखित अनुच्छेद 23, 33 और अनुच्छेद 40 के खण्ड (क) के स्थान पर निम्नलिखित खण्ड (क) प्रतिस्थापित किया जाएगा :—

“Description of instrument

Proper Stamp duty

23. Conveyance as defined by section 2(10) not being a Transfer charged or exempted under No. 62.	Where conveyance amounts to sale of immoveable property.	Other conveyances
---	--	-------------------

(a)

(b)

1.

2.

Where the value or amount of the consideration equal to the market value of the property or consideration, if any, as set forth therein does not exceed Rs. 50;	Six rupees	One rupee and fifty paise.
where it exceeds Rs. 50, but does not exceed Rs. 100;	Twelve rupees	Three rupees.
where it exceeds Rs. 100, but does not exceed Rs. 200;	Twenty-four rupees	Six rupees.
where it exceeds Rs. 200, but does not exceed Rs. 300;	Thirty-six rupees	Nine rupees.
where it exceeds Rs. 300, but does not exceed Rs. 400;	Forty-eight rupees	Twelve rupees.
where it exceeds Rs. 400, but does not exceed Rs. 500;	Sixty rupees	Fifteen rupees.

1.

2.

where it exceeds Rs. 500, but does not exceed Rs. 600;	Seventy-two rupees	Eighteen rupees.
where it exceeds Rs. 600, but does not exceed Rs. 700;	Eighty four rupees	Twenty-one rupees.
where it exceed Rs. 700, but does not exceed Rs. 800;	Ninety-six rupees	Twenty-four rupees.
where it exceed Rs. 800, but does not exceed Rs. 900;	One hundred and eight rupees.	Twenty-seven rupees.
where it exceed Rs. 900, but does not exceed Rs. 1,000; and	One hundred and twenty rupees.	Thirty rupees.
for every Rs. 500 or part thereof in excess of Rs. 1,000.	Sixty rupees	Fifteen rupees.

Exemption

Assignment of copyright under the Copyright Act, 1957, section 18.

CO-PARTNERSHIP—DEED

See partnership (No. 46).

33. GIFT—Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).

The same duty as a conveyance amounting to sale (No. 23) as levied by this Act for a consideration equal to the market value of the property or consideration, if any, as set forth in the instrument; whichever is higher.

HIRING AGREEMENT or Agreement for Service—

See Agreement (No. 5).

40. (a) When possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given.

The same duty as a conveyance amounting to sale (No. 23) as levied by this Act for a consideration equal to the market value of the property or consideration, if any, as set forth in the instrument; whichever is higher.”; and

(ख) अन्त में आए विद्यमान परन्तुक का लोप किया जाएगा।

उद्देश्यों और कारणों का कथन

प्रदेश के द्रुतगामी विकास को सुनिश्चित करने के लिए, भिन्न-भिन्न विकासात्मक स्कीमों पर बढ़े हुए खर्च को पूरा करने के लिए, राज्य के साधनों में वृद्धि करके अतिरिक्त निधि एकत्र करना अपेक्षित है। सरकार ने प्रदेश में यथा लागू भारतीय स्टाम्प अधिनियम, 1899 से उपाबद्ध अनुसूची I-A के दस्तावेजों विक्रय (सं० 23), दान (सं० 33) और सकब्जा बन्धक [(सं० 40) (a)] पर प्रभार्य स्टाम्प शुल्क की दरों में बढ़ौतरी करने का विनिश्चय किया है। इसके साथ-साथ सरकार ने 10,000 रुपये या उससे अधिक की प्रतिफल राशि की लिखतों पर उद्ग्राह्य 10 प्रतिशत उचित स्टाम्प शुल्क की बढ़ौतरी को समाप्त करने का भी विनिश्चय किया है और उसे स्टाम्प शुल्क की दरों की प्रस्तावित वृद्धि में मिला दिया गया है।

यह विधेयक उपर्युक्त उद्देश्यों की पूर्ति के लिए है।

नवीन चन्द्र पाल,
प्रभारी मन्त्री।

शिमला :

18 मार्च, 1991.

वितीय जापन

इस विधेयक का खण्ड 2, भारतीय स्टाम्प अधिनियम, 1899 से उपाबद्ध अनुसूची I-A में प्रगणित दस्तावेजों, विक्रय (सं० 23), दान (सं० 33) और सकब्जा बन्धक [(सं० 40) (a)] पर प्रभार्य स्टाम्प शुल्क की दरों में बढ़ौतरी का उपबन्ध करता है।

इस से राज्य सरकार को प्रति वर्ष लगभग 2 करोड़ रुपये तक का अधिक राजस्व प्राप्त होगा। किन्तु इस पर कोई अतिरिक्त व्यय नहीं होगा।

प्रत्यायोजित विधान सम्बन्धी जापन

-शून्य-

भारत के संविधान के अनुच्छेद 207 के अधीन राज्यपाल की सिफारिशें

[राजस्व विभाग नस्ति सं० रैव० 1-3 (स्टाम्प) 1/81 (बाल०-1)]

हिमाचल प्रदेश के राज्यपाल, भारतीय स्टाम्प (हिमाचल प्रदेश संशोधन) विधेयक, 1991 की विषय-वस्तु के बारे में सूचित किए जाने के पश्चात् भारत के संविधान के अनुच्छेद 207 के अधीन, विधेयक को विधान सभा में पुरःस्थापित करने और उस पर विचार करने की सिफारिश करते हैं।

AUTHORITATIVE ENGLISH TEXT

Bill No. 12 of 1991.

THE INDIAN STAMP (HIMACHAL PRADESH AMENDMENT) BILL,
1991

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

further to amend the Indian Stamp Act, 1399 (Act No. II of 1899) in its application to the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-second Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Indian Stamp (Himachal Pradesh Amendment) Act, 1991.

2 of 1899

(2) It extends to the whole of Himachal Pradesh.

Amend-
ment of
Schedule
I-A.

2. In Schedule I-A annexed to the Indian Stamp Act, 1899, in its application to the State of Himachal Pradesh,—

(a) for Articles 23 and 33 and clause (a) of Article 40, the following Articles 23, 33 and clause (a) of Article 40 shall be substituted, namely:—

“Description of instrument	Proper stamp duty	
23. Conveyance as defined by section 2(10) not being a Transfer charged or exempted under No. 62.	Where conveyance amounts to sale of immoveable property	Other conveyances.
(a)	(b)	
1	2	
Where the value or amount of the consideration equal to the market value of the property or consideration, if any, as set forth therein does not exceed Rs. 50;	Six rupees	One rupee and fifty paise.
where it exceeds Rs. 50, but does not exceed Rs. 100;	Twelve rupees	Three rupees.
where it exceeds Rs. 100, but does not exceed Rs. 200;	Twenty-four rupees	Six rupees.
where it exceeds Rs. 200, but does not exceed Rs. 300;	Thirty-six rupees	Nine rupees.
where it exceeds Rs. 300, but does not exceed Rs. 400;	Forty-eight rupees	Twelve rupees.

1	2
where it exceeds Rs. 400, but does not exceed Rs. 500;	Sixty rupees
where it exceeds Rs. 500, but does not exceed Rs. 600;	Seventy-two rupees
where it exceeds Rs. 600, but does not exceed Rs. 700;	Eighty-four rupees
where it exceeds Rs. 700, but does not exceed Rs. 800;	Ninety-six rupees
where it exceeds Rs. 800, but does not exceed Rs. 900;	One hundred and eight rupees.
where it exceeds Rs. 900, but does not exceed Rs. 1,000; and	One hundred and twenty rupees.
for every Rs. 500 or part thereof in excess of Rs. 1,000.	Sixty rupees
	Fifteen rupees.
	Fifteen rupees.
	Eighteen rupees.
	Twenty-one rupees.
	Twenty-four rupees.
	Twenty-seven rupees.
	Thirty rupees.
	Fifteen rupees.

Exemption

Assignment of copyright under the Copyright Act, 1957, section 18.

CO-PARTNERSHIP—DEED

See Partnership (No. 46).

33. GIFT—Instrument of, not being a Settlement (No. 58), or Will or Transfer (No. 62).

The same duty as a conveyance amounting to sale (No. 23) as levied by this Act for a consideration equal to the market value of the property or consideration, if any, as set forth in the instrument; whichever is higher.

HIRING AGREEMENT or Agreement for Service—

See Agreement (No. 5).

40. (a) When possession of the property or any part of the property comprised in such deed is given by the mortgagor or agreed to be given.

The same duty as a conveyance amounting to sale (No. 23) as levied by this Act for a consideration equal to the market value of the property or consideration, if any, as set forth in the instrument; which ever is higher.” ; and

(b) The existing proviso occurring at the end shall be deleted.

STATEMENT OF OBJECTS AND REASONS

In order to meet the increased expenditure on various developmental schemes for ensuring speedy development of this Pradesh, additional funds are required to be raised by augmenting the resources of the State. The Government has decided to increase the rates of stamp duty chargeable on documents of Sale (No. 23), Gift (No. 33) and Mortgage with possession [No. 40(a)] of Schedule I-A annexed to the Indian Stamp Act, 1899, as applicable in this Pradesh. Simultaneously the Government has decided to abolish the increase of proper stamp duty of 10% leviable on instruments where consideration amount is Rs. 10,000/- or above and the same has been merged in the proposed enhancement in the rates of stamp duty.

2. This Bill seeks to achieve the aforesaid objectives.

SHIMLA :

NAGIN CHANDER PAL,

The 18th March, 1991.

Minister-in-charge.

FINANCIAL MEMORANDUM

Clause 2 of this Bill seeks to enhance the rates of stamp duty chargeable on the documents of Sale (No. 23), Gift (No. 33) and Mortgage with possession [No. 40(a)] as enumerated in Schedule I-A annexed to the Indian Stamp Act, 1899.

This will yield more revenue to the State Government to the extent of Rs. 2 crores per annum. There will, however, be no additional expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Nil

RECOMMENDATIONS OF THE GOVERNOR UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

[Revenue Department File No. Rev. 1-3 (Stamp) 1/81 (Vol-I)]

The Governor, Himachal Pradesh having been informed of the subject matter of the Indian Stamp (Himachal Pradesh Amendment) Bill, 1991, recommends, under Article 207 of the Constitution of India, the introduction and consideration of the Bill in the Legislative Assembly.

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-5 द्वारा मुद्रित ।